IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29705 of 2007(J)

PETITIONER:

V.NARAYANAN, SREELAKSHMI STORES,
VI/195 (NEW NO. XV/579),
SULTAN BATHERY GRAMA PANCHAYAT,
SULTAN BATHERY, WAYANAD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.R.JAYACHANDRAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR, WAYANAD.

2. THE REVENUE DIVISIONAL OFFICER,
MANANTHAVADY, WAYANAD DISTRICT.

3. THE SULTAN BATHERY GRAMA PANCHAYAT,
REPRESENTED BY THE SECRETARY,
SULTAN BATHERY, WAYANAD DISTRICT.

4. THE ASSISTANT ENGINEER, LSGD SECTION,
BATHERY, SULTAN BATHERY GRAMA PANCHAYAT,
WAYANAD DISTRICT.

5. SHRI.T.A.ELIAS, THANDEKATTU HOUSE,
POOMALA P.O., AMMAIPALAM, SULTAN BATHERY,
WAYANAD DISTRICT.

R1, R2 & R4 BY ADV. SRI. K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 29705 OF 2007

Dated this the 8th day of October, 2007

JUDGMENT

The grievance of the petitioner who is in occupation of one room in a five room building situated within the area of the 2nd respondent Panchayat and belonging to the 5th respondent is that there is threat of immediate demolition of his room. The petitioner submits that on the basis of an application which was submitted by the 5th respondent owner, on 15.07.07, the 4th respondent Assistant Engineer issued unfit certificate on the same day which was interestingly a Sunday, the room remained closed. Counsel for the petitioner submits that the 5th respondent did not seek any unfit certificate in respect of the other rooms in the line building. I do not propose to decide the case on the genuineness of the petitioner's grievance or on the merits of the grounds raised. However, I am of the view that the petitioner should be put to notice regarding any proposal by the Municipality to demolish the building.

Under these circumstances, I dispose of the Writ Petition issuing the following directions:

i. The building portion under the occupation of the petitioner will not be demolished unless and until a formal order of demolition is

passed by the 3rd respondent in respect of that portion.

ii. Formal order of demolition as indicated above will be passed by the 3rd respondent Panchayat only after hearing the petitioner and the 5th respondent owner. Once orders are passed, the same will be communicated to the petitioner and actual implementation will not be done before the expiry of 7 days from such communication.

PIUS C. KURIAKOSE, JUDGE

btt